

REMARKS

This Application has been carefully reviewed in light of the Official Action mailed October 5, 2005. In order to advance prosecution of the present Application, Claims 1, 4, and 16-22 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 10-15 and 20 stand rejected under 35 U.S.C. §101 as claiming the same invention as that of prior U.S. Patent No. 6,353,609. Claims 10-15 depend from Claim 1. Claim 1 has been amended to be a different invention than any claims in prior U.S. Patent No. 6,353,609. Claim 20 has been amended to depend from Claim 18. Therefore, Applicant respectfully submits that Claims 10-15 and 20 are in accordance with 35 U.S.C. §101.

Claims 1-9 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 6-14 of U.S. Patent No. 6,353,609. Applicant respectfully defers filing an appropriate Terminal Disclaimer to overcome this rejection pending a determination of allowance in this Application.

Claims 1-9, 16-19, 21, and 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Focsaneanu, et al. Independent Claims 1, 16-19, and 21 recite in general an ability to provide priority processing treatment to voice packets over data packets. By contrast, the Focsaneanu, et al. patent fails to disclose any priority treatment capability. Therefore, Applicant respectfully submits that Claims 1-9, 16-19, 21, and 22 are not anticipated by the Focsaneanu, et al. patent.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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